

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Study Session

January 6, 2003
6:00 p.m.

Council Conference Room
Bellevue, Washington

PRESENT: Mayor Marshall, Deputy Mayor Degginger, and Councilmembers Creighton, Davidson, Lee, Mosher, and Noble

ABSENT: None.

1. Executive Session

Deputy Mayor Degginger opened the meeting at 6:00 p.m. and announced recess to Executive Session for approximately one hour to discuss two items of potential litigation. The Study Session resumed at 7:03 p.m. with Mayor Marshall presiding.

2. Study Session

(a) Neighborhood Business Land Use Code Amendment

Kate Berens, Legal Planner, described a proposed Land Use Code amendment recommended by the Planning Commission. The LUC amendment implements a Comprehensive Plan amendment adopted in August 2002 that added administrative office uses as a permitted use in Neighborhood Business (NB) districts, provided the office use does not interfere with the site's primary neighborhood-serving function. Staff recommends approval of the Land Use Code amendment to allow administrative offices in NB districts with the following conditions:

- 1) Administrative office use allowed on the first floor, limited to 5,000 square feet or 25 percent of the footprint of the building, whichever is less.
- 2) Administrative use allowed on the second floor with additional height to 30 feet allowed for the entire footprint of the second floor, although no single administrative office space may exceed 5,000 square feet.
- 3) Administrative offices may not exceed 50 percent of the total square footage of any NB building.

Ms. Berens said the Land Use Code currently allows only residential uses on the second floor of NB uses. Responding to Mr. Mosher, Ms. Berens described staff's research into the potential impact on housing of allowing administrative uses. She said there has not been a NB

development with a residential use since the code provision was implemented approximately 10 years ago. This is primarily due to structural requirements, fire code requirements, and parking needs and limitations. Therefore, staff feels the proposed amendment will not affect the feasibility of residential development in relation to NB projects.

Responding to Mr. Creighton, Ms. Berens said an example of an administrative office use is a construction company's office in which no trucks are on site and customers are not necessarily visiting the office. Small service offices such as an insurance agent are already allowed in NB districts.

Responding to Mr. Lee, Planning and Community Development Director Matt Terry said developers report it is not economically feasible to build one level of residential units as a second floor development above NB uses. Three or more levels of residential development are desired.

In response to Dr. Davidson, Ms. Berens said the parking requirement for administrative office uses is 4 spaces per 1,000 square feet of office space.

Mr. Mosher expressed concern about allowing office uses on the second floor of Neighborhood Business developments. He feels this may not be compatible with neighborhood character.

Deputy Mayor Degginger feels the proposed LUC amendment will enhance the economic viability of neighborhood shopping centers.

Mr. Terry said the Planning Commission was interested in expanding the range of uses to encourage redevelopment and the preservation of neighborhood centers.

(b) "Bellevue Charter Now" Petition Certification and Next Steps

City Manager Steve Sarkozy recalled that the Bellevue Charter Now petition received certification from the King County Elections Office on December 5, 2002. He asked staff to provide additional details on the election process.

Assistant City Manager Myrna Basich provided background information on the citizen initiative to make Bellevue a Charter City. A petition with 4,256 signatures was submitted to the City on November 4, 2002, meeting the minimal requirement for approximately 3,000 signatures. The petitions were submitted to King County on November 6 and certified on December 5. State law requires Council to schedule a special election not less than 90 days nor more than 180 days following certification of the petition.

Ms. Basich presented available election dates and corresponding submittal deadlines for King County Elections Office:

<u>Election date</u>	<u>Deadline for submittal to King County</u>
March 11	January 24
April 22	March 7
May 20	April 4

Voters will be presented with two questions in the first required election: 1) whether to have a charter drafted for consideration by voters at a second election, and 2) election of 15 freeholders who will comprise a commission charged with writing the charter, if voters approve the first issue. Ms. Basich reviewed the following requirements for freeholder candidates:

- Must be city residents for two years prior to the election.
- Must be nominated by a petition signed by 10 registered voters for a specific freeholder position.
- Must provide an affidavit assuring that petition signers and the candidate are registered voters.
- Must provide written acceptance of nomination.
- Must file within special filing period established by freeholder election.

If the establishment of a charter is approved by the first election, the commission of freeholders will have 10 days to organize and hold its first meeting. The commission will elect a chair and adopt operating rules, and a quorum for the 15-member group is eight members. The commission may form committees and sponsor public forums or promote public education. The group will function under the Open Public Meetings and Open Public Records Acts and must hold at least one public hearing. Freeholders serve without compensation but must be reimbursed for their necessary expenses. Council may make a reasonable appropriation of City funds to provide for public information and discussion about the commission's work, public hearing costs, and technical and/or clerical assistance to the freeholder commission.

Ms. Basich said the commission must submit the written charter to City Council within 180 days of its first meeting. Council will have five days to set a date for the second election, which will present two questions to voters: 1) whether to adopt the proposed charter, and 2) election of the first officers (Councilmembers) to serve under the provisions of the charter. If the charter directs Councilmember election from wards or districts, the ward divisions specified in the proposed charter will govern. Otherwise existing laws relating to Code cities will govern.

Ms. Basich reviewed the options and costs for the first election to be held this spring. King County provides two processes to choose from – a traditional election utilizing polling places and absentee voting or the City may request a mail-only election for which King County will confirm whether they have sufficient staff to conduct the election. The estimated costs are approximately \$133,000 for a traditional election and \$166,000 to \$183,000 for a mail-only election. A placeholder of \$115,000 was established in the 2003 operating budget to help fund the spring election. The City has the option of requesting that a Voters Pamphlet be prepared for the election. King County estimates publication costs of \$13,300 to \$15,500 in addition to \$11,500 in mailing costs.

Ms. Basich said a public notice regarding the filing period for freeholder positions must be published for the special election in the spring. If the development of a charter is approved in the first election, the City is required to print the entirety of the proposed charter once each week for four weeks preceding the second election. The estimated cost of printing the proposed charter in the Eastside Journal is \$17,100. Ms. Basich said it is possible the second charter election will coincide with a primary or general election already scheduled, resulting in incremental cost

increases for the charter issue. If a special election is required for charter approval, election costs will be similar to the estimated costs of the upcoming special election this spring.

Ms. Basich requested Council direction regarding a date for the Spring 2003 special election. The City Attorney will begin preparing the ballot title for submittal to the King County Elections Office. Future Council discussions will address an ordinance calling for the special election on the charter proposition. This ordinance should include the special election date, ballot title and statement prepared by City Attorney, election format, and a request to prepare a Voters Pamphlet if desired. Council will also discuss budget adjustments to accommodate election costs, Voters Pamphlet costs, necessary expenses of the Charter Commission, appropriations to provide for public information/discussion and technical and/or clerical assistance, and procedures for submittal and payment of commission expenditures.

Mr. Noble recently attended a neighborhood meeting in which a citizen inquired about the costs of the charter election process. A Bellevue Charter Now representative responded that the process will not result in any costs to the City. Mr. Noble expressed concern about the reality of increased costs for the elections and related staff support, which at this point total a minimum of \$200,000.

Responding to Dr. Davidson, City Attorney Richard Andrews said state law provides a three-day filing period for the 15 freeholder positions.

Responding to Mr. Noble, Mr. Andrews said there is no state requirement governing the geographical distribution of the freeholders.

Responding to Mayor Marshall, Mr. Andrews said he is not aware of any law that would prevent a current Councilmember from serving on the Pro or Con Committees for the Voters Pamphlet statements. Mrs. Marshall asked whether current Councilmembers can serve as freeholders, and Mr. Andrews agreed to research the issue.

- Deputy Mayor Degginger moved to establish May 20, 2003, as the date for the special election, and Mr. Mosher seconded the motion.

Mayor Marshall expressed support for the motion and indicated the need for sufficient time to allow the public to learn about the issue. Mr. Creighton concurred.

Responding to Dr. Davidson, Mr. Andrews said freeholders will be subject to all state laws governing elected officials.

- The motion to establish May 20, 2003, as the date for a special election on the charter issue carried by a vote of 7-0.

Mayor Marshall thanked staff for their research and work.

3. Discussion

(a) Eastgate Park Annexation *(Council action is scheduled for January 21.)*

Senior Planner Nicholas Matz described the transfer of ownership of Eastgate Park from King County, approved by Council on November 25, 2002. The King County Council formalized the ownership transfer on December 9 and the City now owns the park. Staff recommends annexation of Eastgate Park under the municipal purposes method of annexation (RCW 35A.14.300). This method permits a code city, by majority vote of the City Council, to annex territory outside its city limits for municipal purposes if the territory is owned by the City. An ordinance for Council action will be presented at the January 21, 2003, meeting.

(b) Update on Public Safety Technology Projects *(Council action is scheduled for January 13 on the contract for mobile data computers/automated vehicle locations, aka wireless data communications systems.)*

City Manager Steve Sarkozy suggested delaying this agenda item for one week, at which time a briefing on the proposed contract will be provided.

At 7:57 p.m., Mayor Marshall declared recess to the Regular Session.

Myrna L. Basich
City Clerk

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